

**To:** Authorized Representatives of Child Nutrition Programs: School Nutrition Program, Child and Adult Care Food Program, and Summer Food Service Program

**From:** Child and Adult Nutrition Services

**Date:** March 1, 2018

**Subject:** Buy American Certification

**Memo Number:** SNP 251-1  
CACFP 251-1-1  
CACFP DCH 251-1  
SFSP 251-1

The purpose of this memo is to give guidance in regard to meeting the requirements of Section 204(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998. This Act requires schools and institutions participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) to purchase domestic commodities or products for use in these meals, to the maximum extent practicable.

Domestic commodity or product is defined as one that is produced and processed in the United States substantially using agricultural products that are produced in the United States. Substantially, per the report, means that over 51% of the final, processed product, consists of domestically grown product.

Attached is a form to provide an example form showing what information to collect from vendors providing these products. This information should be shared with your School Food Authority (SFA) purchasing authority and all employees involved in the procurement process.

Questions about this memo can be referred to a SD Dept. of Education Child and Adult Nutrition Services staff member.

## Buy American Certification

Buy American regulation requires school food authorities (SFAs) to purchase domestic commodities or products to the maximum extent possible. Domestic commodities or products are defined as:

1. An agricultural commodity that is produced in the U.S.
2. A food product that is processed in the U.S. substantially using agricultural commodities produced in the U.S.
3. Unprocessed, agricultural commodities must be domestic.
4. Processed foods must be processed domestically using domestic agricultural food components that comprise over 51% domestically grown items, by weight or volume.

I certify that the products listed below **do not** meet the qualifications of Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1988.

FNS does allow for limited exceptions to the Buy American provisions when 1 of 2 events occur:  
 1: a specific product is not produced or manufactured in the U>S. "in sufficient and reasonable available quantities of a satisfactory quality"; and  
 2: when competitive bids show that the costs of the U.S. products are significantly higher than nondomestic products. SFAs that use one of these exceptions are not required to request a waiver in order to purchase a nondomestic product, but they must maintain documentation justifying the exception

Product Name	Product/Manufacturer's Code	Country of Origin	Qualification #1 or 2?

I certify the accuracy of the information provided above:

Distributor Name:		
Distributor Representative:		
Title:		
Signature:		Date: